

REMARKS

Applicant notes with appreciation the detailed comments that the Examiner made in the Office Action. The present claim amendments and response are responsive to the Examiner's rejection noted in the Office Action.

Claims 1-9, 11-18, and 20-25 have been amended. New claims 26-29 have been added. Claims 1-29 remain pending in this application.

Examiner Interview Summary

Applicant is grateful for the opportunity of an examiner interview on June 8, 2005, and the courtesy extended by the Examiner at the interview. At the interview, the parties discussed the single reference cited and applied in the Office Action, U.S. Patent No. 6,816,898 to Scarpelli, in reference to representative claims 1 and 21, proposed claim amendments, and support in the specification for proposed claim amendments. Applicant and the Examiner reached the general consensus that conceptually, Scarpelli does not disclose a system that interacts with an application process (e.g., custom or private code) and monitors process information otherwise not available to the network. The parties reached tentative agreement that the independent claims with language to reflect this distinction would define over Scarpelli.

The single prior art rejection is formally addressed below.

Section 102(e) Rejection

Claims 1-25 have been rejected as being anticipated by Scarpelli. This rejection has been traversed.

On the outset, Applicant notes that the priority date of the present application is prior to the publication date of Scarpelli. Therefore, Applicant reserves the right to file a declaration to "swear behind" the reference should the need arises. However, in the interest of forwarding this application to early allowance, Applicant is not pursuing such declaration at this point, given that the reference has been distinguished herein.

Applicant amended all the independent claims 1, 8 and 21 to require interaction with the process to monitor information not otherwise available to the network. As Applicant noted above, the Examiner tentatively agreed to this feature as being sufficient distinction over Scarpelli.

For at least these reasons, independent claims 1, 8 and 21, and all the claims dependent therefrom, are patentable over Scarpelli.

Applicant further amended the claims throughout to remove some of the limitations not necessary for patentability, to change certain claimed elements to non-means-plus-function recitations, and to otherwise place the claims in better form for allowance. Applicant submits that such additional amendments do not deviate from the substance of the examiner interview.

New Claims

New claims 26-29 have been added, which are essentially claims 5, 8, 12 and 22 rewritten into independent form, with some of the limitations not necessary for patentability

omitted and to place the claims in better form. Applicant submits that the new independent claims contain allowable subject matter for similar basis as claims 5, 8, 12 and 22.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. **The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.**

Respectfully submitted,



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